

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30677 of 2018

Arising Out of P.S.Case No. -872 Year- 2016 Thana -SAMASTIPUR COMPLAINT CASE District-
SAMASTIPUR

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Sanjay Ray S/o Late Baidyanath Ray, R/v Chandanpur Dhamaun, P.S.-
Patory, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Shatrudhan Ray S/o Late Sukhadeo Ray, R/v Chandpur Damaun, P.S.-
Patory, Distt.- Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar

For the Opposite Party/s : Mr. Md. Fahimuddin

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 05-07-2018 Heard learned counsel for the petitioner, learned counsel
for the Informant and learned APP for the State.

The petitioner is in custody in connection with
Complaint-cum-Protest Case No.872 of 2016 registered for an
offence under Sections 302/34 of the IPC.

The case was registered on the basis of fardbeyan given
before police. As per FIR altogether seven FIR named accused
assaulted the son of the informant as a result of which he died on
the spot. The motive has been alleged to be enmity on account of
land dispute.

It has been submitted that in course of investigation, the
witnesses have stated that that the deceased went outside house to



urinate where he came in contact with live electric wire as a result of which he died on account of electrocution in the night at 9.30 P.M. All the named accused are family members and they have been roped in the present case on account of said land dispute. After investigation, police submitted final report as mistake of fact. The informant filed protest petition on the basis of which, the present case has been registered.

The learned counsel for the Informant as well as the APP opposed the submission by submitting that the postmortem report shows that deceased sustained fracture on his ribs and the doctor has reported cause of death due to asphyxia.

On perusal of the protest petition, I find that the allegation of assault is not specific against this petitioner rather omnibus against seven persons who were alleged to be members of unlawful assembly. The petitioner is in custody since 16.03.2018 having clean antecedent.

The learned APP opposed the submissions.

Considering the aforesaid facts and circumstances of the case, prayer for bail is allowed. Let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri P.C.Verma, Judicial Magistrate, Ist Class,



Samastipur in connection with Complaint-cum-Protest Petition

No.872 of 2016/Trial No.2741 of 2018 with following conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make themselves available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Sanjay Kumar, J)

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